

## UNITED STATES DISTRICT COURT

for the

District of \_\_\_\_\_

Division \_\_\_\_\_

Case No. \_\_\_\_\_

(to be filled in by the Clerk's Office)

Gloria Smith

Plaintiff(s)

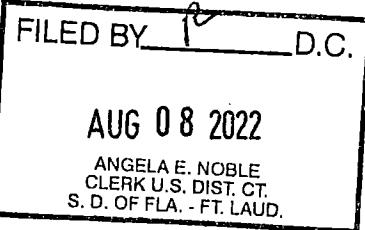
(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

1. Select Portfolio Servicing Inc
2. DLJ Mortgage Capital Inc
3. Metropolitan Life Insurance Company

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one)  Yes  No

## COMPLAINT FOR A CIVIL CASE

## I. The Parties to This Complaint

## A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Gloria Smith

Street Address

1721 NW 191 ST

City and County

Miami Dade

State and Zip Code

Fla 33056

Telephone Number

305 336-3808

E-mail Address

gloria005@mrn.com

## B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Select Portfolio Servicing Inc (mortgage Servicer)DLJ Mortgage Capital Inc (mortgage Capital co.)Metropolitan Insurance Company (Home loans/Insurance)

## Defendant No. 1

Name Select Portfolio Servicing Inc  
 Job or Title (if known) Mortgage servicing Company  
 Street Address 3217 S Decker lake Drive  
 City and County Salt Lake City  
 State and Zip Code Utah 84119  
 Telephone Number 888-818-6032  
 E-mail Address (if known) WWW.SPServicing.com

Address AKA P.O Box 65250 Salt Lake City Utah  
84165-0250

## Defendant No. 2

Name DLT mortgage Capital Inc/By Select Portfolio  
 Job or Title (if known) Mortgage Company servicing Inc  
 Street Address 3217 S Decker lake Drive  
 City and County Salt Lake City  
 State and Zip Code Utah  
 Telephone Number 888-818-6032  
 E-mail Address (if known) WWW.SPServicing.com

See Corporate assignment of mortgage 03/18/2022  
Exhibit D

## Defendant No. 3

Name Metropolitan life Insurance Company  
 Job or Title (if known) - at 40 Select Portfolio Servicing Inc  
 Street Address 3217 S Decker lake Drive  
 City and County Salt Lake City  
 State and Zip Code Utah 84119 Corporate assignment of Mortgage  
 Telephone Number 888-818-6032 See Exhibit D 03/18/2022  
 E-mail Address (if known) WWW.SPServicing.com

## Defendant No. 4

Name \_\_\_\_\_  
 Job or Title (if known) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 City and County \_\_\_\_\_  
 State and Zip Code \_\_\_\_\_  
 Telephone Number \_\_\_\_\_  
 E-mail Address (if known) \_\_\_\_\_

## II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

Federal question

Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

### A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

### B. If the Basis for Jurisdiction Is Diversity of Citizenship

#### 1. The Plaintiff(s)

##### a. If the plaintiff is an individual

The plaintiff, (name) Gloria Smith, is a citizen of the State of (name) Florida.

##### b. If the plaintiff is a corporation

The plaintiff, (name) \_\_\_\_\_, is incorporated under the laws of the State of (name) \_\_\_\_\_, and has its principal place of business in the State of (name) \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

#### 2. The Defendant(s)

##### a. If the defendant is an individual

The defendant, (name) \_\_\_\_\_, is a citizen of the State of (name) \_\_\_\_\_. Or is a citizen of (foreign nation) \_\_\_\_\_.

b. If the defendant is a corporation

The defendant, (name) D L J Mortgage Capital Inc, is incorporated under the laws of the State of (name) Utah, and has its principal place of business in the State of (name) Utah

Or is incorporated under the laws of (foreign nation)

and has its principal place of business in (name) Utah D L J Mortgage Capital Inc

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

*Defendants fraudulently obtained a conventional Real Estate loan including Purchase money first Approx \$ 95,999 (including Purchase Money First) —/ Loan modification on (Sept 10, 2019 and Sept 13, 2019)*

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

*Select Portfolio Servicing Inc obtain a conventional real estate mortgage including Purchase Money First without my knowledge or sign consent and obtained a loan modification also without my knowledge or signed consent in 2019 and 2022. July 11, 2022 a Fraudulent Foreclosure Notice was place on my property and a lien was place on the Deed of my property 03/18/2022 Corporate assignment Mortgage see exhibit D they wanted me to pay up front \$ 26,274.97 to get my property out of foreclosure and to give them a check for that amount to reinstate that Fraudulent Mortgage loan.*

IV. Relief

*of the \$ 69,725 foreclosure balance and \$ 26,274.97 reinstatement. Total \$ 95,999 I am invalidating the conventional real estate Mortgage loan and modification*

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages. *I am asking for punitive and exemplary damages whatever the court deems fit for the constant harassments Knocking on my Front residence doors trying to get me to sign Mortgage papers in order to keep my home, Also calling me and sending emails to the point I had to file several Harassment Police reports as per detective advise.*

**V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

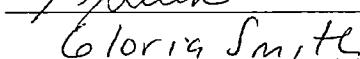
I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 08/08/2022

Signature of Plaintiff



Printed Name of Plaintiff



**B. For Attorneys**

Date of signing: \_\_\_\_\_

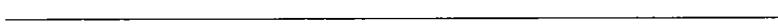
Signature of Attorney



Printed Name of Attorney



Bar Number



Name of Law Firm



Street Address



State and Zip Code



Telephone Number



E-mail Address



8/08/2022  
Dated: Month, day, year

Respectfully submitted,

Gloria Smith

Name of Filer

Attorney Bar Number (if applicable)

Attorney E-mail Address (if applicable)

Firm Name (if applicable)

1721 NW 191 Street

Street Address

Miami, Fla 33056

City, State, Zip Code

Telephone: 305 336-3808

Facsimile: \_\_\_\_\_

Attorneys for Plaintiff/Defendant [Party name(s)]  
(if applicable)

Certificate of Service

I hereby certify that a true and correct copy of the foregoing was served by

Gloria Smith [specify method of service] on 8/08/2022 [date]

on all counsel or parties of record on the Service List below.

Gloria Smith  
Signature of Filer